

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

DINÉ CITIZENS AGAINST RUINING
OUR ENVIRONMENT, *et al.*,

Plaintiffs,

v.

Case No. 1:19-cv-00703-WJ-JFR

DAVID LONGLY BERNHARDT,
in his official capacity as Secretary of
the United States Department of the
Interior, *et al.*,

Federal Defendants.

**FEDERAL DEFENDANTS' UNOPPOSED MOTION FOR AN EXTENSION OF THE
ADMINISTRATIVE RECORD DEADLINE AND BRIEFING SCHEDULE**

Federal Defendants hereby move for an extension of the deadlines set forth in this Court's Order Adopting Joint Case Management Plan As Amended by the Court, ECF No. 105. Counsel for Federal Defendants have conferred with counsel for Plaintiffs and Intervenor Defendants and none oppose this motion.

Pursuant to the Court's order, Federal Defendants lodged the administrative record for this case on June 29, 2020. ECF No. 106. The Court's order set up a process by which the parties would informally notify Federal Defendants of any objections to the administrative record in advance of filing a motion challenging the record. ECF No. 105 ¶ 2. Pursuant to that process, Plaintiffs and Intervenor Defendant Enduring Resources notified Federal Defendants of documents they believed were missing from the record. The parties discussed these documents and, as a result of those discussions, Federal Defendants have agreed to add about nine documents to the record. These documents consist of Plaintiffs' scoping comments for the

Bureau of Land Management's ("BLM") Mancos Resource Management Plan Amendment and correspondence between Enduring Resources and BLM.

Because no motions were filed challenging the record, under the current schedule, the amended administrative record is due August 19, 2020. ECF No. 105 ¶ 5. However, BLM needs additional time to compile and lodge the amended record. Although the total number of documents to be added to the record is small, the documents are voluminous as Plaintiffs' comments contain hundreds of attachments. BLM requires additional time to organize, index, and Bates stamp the documents and ensure they are searchable as required by this Court's order. ECF No. 105 ¶ 5. BLM respectfully requests an additional 16 days, until September 4, 2020, to lodge the amended administrative record, and a commensurate extension of the merits briefing deadlines in this case to avoid any prejudice to the parties.

Federal Defendants have conferred with the other parties to this case, and all other parties consent to the requested extension. Plaintiffs have requested that their reply brief deadline be extended by an additional two days to account for the Thanksgiving holiday. Thus, the new proposed deadlines for this case are:

- Amended administrative record due September 4, 2020.
- Plaintiffs' Motion for Review of Agency Action and supporting merits brief due October 2, 2020.
- Federal Defendants' responding brief due October 30, 2020.
- Intervenor Defendants' responding briefs due November 9, 2020.
- Plaintiffs' reply brief due December 2, 2020.

The remaining requirements in this Court's scheduling order, ECF No. 105, would

remain in place.

A proposed order is submitted herewith.

Respectfully submitted this 14th day of August, 2020.

JEAN E. WILLIAMS
Deputy Assistant Attorney General

/s/ Clare Boronow
CLARE BORONOW
Environment and Natural Resources Division
United States Department of Justice
999 18th St.
South Terrace, Suite 370
Denver, CO 80202
clare.boronow@usdoj.gov

ANDREW A. SMITH
Senior Trial Attorney
U.S. Department of Justice
Environment and Natural Resources Division
Natural Resources Section
c/o United States Attorney's Office
P.O. Box 607
Albuquerque, New Mexico 87103
505-224-1468
andrew.smith@usdoj.gov

Counsel for Federal Defendants

CERTIFICATE OF SERVICE

I hereby certify that on August 14, 2020, I filed the foregoing pleading electronically through the CM/ECF system which caused all parties or counsel to be served by electronic means as more fully reflected on the Notice of Electronic Filing.

/s/ Clare Boronow

Clare Boronow

Attorney for Federal Defendants